

sion, San Joaquin Valley Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, South Coast Air Quality Management District (direct final) (FRL-5466-1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2823. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2824. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Korea (Transmittal No. DTC-17-96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2825. A letter from the Director, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Removal of Certain Restrictions on Importation of Defense Articles and Defense Services from the Russian Federation (27 CFR part 47) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2826. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code, section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform and Oversight.

2827. A letter from the NARA Regulatory Policy Official, National Archives, transmitting the Archives' final rule—Disposition of Federal Records (RIN: 3095-AA65) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2828. A letter from the Secretary of the Interior, transmitting notification that it is in the public interest to use procedures other than full and open competition to award a particular Department of the Interior program, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform and Oversight.

2829. A letter from the Chief, Forest Service, transmitting the Service's final rule—Smith River National Recreation Area (RIN: 0596-AB39) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2830. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendment to Requirements for Authorized State Permit Programs under Section 402 of the Clean Water Act (FLR-5500-9) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2831. A letter from the Associate Director, National Institute of Standards and Technology, transmitting the Institute's final rule—Grant Funds—Materials Science and Engineering Laboratory—Availability of Funds (RIN: 0693-ZA02) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2832. A letter from the Associate director, National Institute of Standards and Technology, transmitting the Institute's final rule—Continuation of Fire Research Grants Program—Availability of Funds (RIN: 0963-ZA06) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2833. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Depart-

ment's final rule—VA Acquisition Regulations: Loan Guaranty and Vocational Rehabilitation and Counseling Programs (RIN: 2900-AG65) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2834. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Delegation of Authority to Order Advertising for Use in Recruitment (RIN: 2900-AH74) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2835. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Servicemen's and Veterans' Group Life Insurance (RIN: 2900-AH50) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans Affairs.

2836. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Revenue Ruling 96-26—received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2837. A letter from the Deputy Under Secretary for Environmental Security, Department of Defense, transmitting an interim summary report on the DOD Environmental Scholarships and Fellowships Programs, pursuant to Public Law 102-484, section 4451(j) (106 Stat. 2737) and Public Law 103-160, section 1333(h)(2) (107 Stat. 1800); jointly, to the Committees on National Security and Economic and Educational Opportunities.

2838. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation entitled the "Statistical Confidentiality Act"; jointly, to the Committees on Government Reform and Oversight, Commerce, the Judiciary, Science, and Economic and Educational Opportunities.

52.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2064. An Act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia; and

H.R. 2243. An Act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1743. An Act to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, and for other purposes; and

H.R. 1836. An Act to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 811. An Act to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and oper-

ate a water desalinization or reclamation facility to develop such facilities, and for other purposes; and

S. 1720. An Act to establish the Nicodemus National Historic Site and the New Bedford National Historic Landmark.

The message also announced that the Senate agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) "An Act to reauthorize the Ryan White CARE Act of 1990, and for other purposes."

The message also announced that pursuant to sections 276d-276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. CHAFEE, Mr. HATCH, Mr. PRYOR, Mr. PRESSLER, Mr. GRASSLEY, Mr. GORTON, Mr. JEFFORDS, Mr. MACK, Mr. BURNS, Mr. BENNETT, Mr. INHOFE, Mr. DEWINE, and Mr. GRAMS, as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 2d Session of the 104th Congress, to be held in southeast Alaska, May 10-14, 1996.

The message also announced that pursuant to sections 276h-276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. MURKOWSKI, Mr. BROWN, and Mr. COVERDELL, as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the 2d Session of the 104th Congress, to be held in Zacatecas, Mexico, May 3-5, 1996.

52.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, May 2nd at 4:15 p.m. and said to contain a message from the President wherein he returns without his approval H.R. 956, the "Common Sense Product Liability Legal Reform Act of 1996."

With warm regards,
ROBIN H. CARLE,
Clerk, House of Representatives.

52.5 VETO OF H.R. 956

The Clerk then read the veto message from the President, as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 956, the "Common Sense Product Liability Legal Reform Act of 1996."

I support real commonsense product liability reform. To deserve that label, however, legislation must adequately protect the interests of consumers, in addition to the interests of manufacturers and sellers. Further, the legislation must respect the important role of the States in our Federal system. The

Congress could have passed such legislation, appropriately limited in scope and balanced in application, meeting these test. Had the Congress done so, I would have signed the bill gladly. The Congress, however, chose not to do so, deciding instead to retain provisions in the bill that I made clear I could not accept.

This bill inappropriately intrudes on State authority, and does so in a way that tilts the legal playing field against consumers. While some Federal action in this area is proper because no one State can alleviate nationwide problems in the tort system, the States should have, as they always have had, primary responsibility for tort law. The States traditionally have handled this job well, serving as laboratories for new ideas and making needed reforms. This bill unduly interferes with that process in products cases; moreover, it does so in a way that peculiarly disadvantages consumers. As a rule, this bill displaces State law only when that law is more favorable to consumers; it defers to State law when that law is more helpful to manufacturers and sellers. I cannot accept, absent compelling reasons, such a one-way street of federalism.

Apart from this general problem of displacing State authority in an unbalanced manner, specific provisions of H.R. 956 unfairly disadvantage consumers and their families. Consumers should be able to count on the safety of the products they purchase. And if these products are defective and cause harm, consumers should be able to get adequate compensation for their losses. Certain provisions in this bill work against these goals, preventing some injured persons from recovering the full measure of their damages and increasing the possibility that defective goods will come onto the market as a result of intentional misconduct.

In particular, I object to the following provisions of the bill, which subject consumers to too great a risk of harm.

First, as I previously have stated, I oppose wholly eliminating joint liability for noneconomic damages such as pain and suffering because such a change could prevent many persons from receiving full compensation for injury. When one wrongdoer cannot pay its portion of the judgment, the other wrongdoers, and not the innocent victim, should have to shoulder that part of the award. Traditional law accomplishes this result. In contrast, this bill would leave the victim to bear these damages on his or her own. Given how often companies that manufacture defective products go bankrupt, this provision has potentially large consequences.

This provision is all the more troubling because it unfairly discriminates against the most vulnerable members of our society—the elderly, the poor, children, and nonworking women—whose injuries often involve mostly noneconomic losses. There is no reason for this kind of discrimination. Non-

economic damages are as real and as important to victims as economic damages. We should not create a tort system in which people with the greatest need of protection stand the least chance of receiving it.

Second, as I also have stated, I oppose arbitrary ceilings on punitive damages, because they endanger the safety of the public. Capping punitive damages undermines their very purpose, which is to punish and thereby deter egregious misconduct. The provision of the bill allowing judges to exceed the cap if certain factors are present helps to mitigate, but does not cure this problem, given the clear intent of the Congress, as expressed in the Statement of Managers, that judges should use this authority only in the most unusual cases.

In addition, I am concerned that the Conference Report fails to fix an oversight in title II of the bill, which limits actions against suppliers of materials used in devices implanted in the body. In general, title II is a laudable attempt to ensure the supply of materials needed to make life-saving medical devices, such as artificial heart valves. But as I believe even many supporters of the bill agree, a supplier of materials who knew or should have known that the materials, as implanted, would cause injury should not receive any protection from suit. Title II's protections must be clearly limited to nonnegligent suppliers.

My opposition to these Senate-passed provisions were known prior to the Conference on the bill. But instead of addressing these issues, the Conference Committee took several steps backward in the direction of the bill approved by the House.

First, the Conference Report seems to expand the scope of the bill, inappropriately applying the limits on punitive and noneconomic damages to lawsuits, where, for example, a gun dealer has knowingly sold a gun to a convicted felon or a bar owner has knowingly served a drink to an obviously inebriated customer. I believe that such suits should go forward unhindered. Some in the Congress have argued that the change made in Conference is technical in nature, so that the bill still exempts these actions. But I do not read the change in this way—and in any event, I do not believe that a victim of a drunk driver should have to argue in court about this matter. The Congress should not have made this last-minute change, creating this unfortunate ambiguity, in the scope of the bill.

In addition, the Conference Report makes certain changes that, though sounding technical, may cut off a victim's ability to sue a negligent manufacturer. The Report deletes a provision that would have stopped the statute of limitations from running when a bankruptcy court issues the automatic stay that prevents suits from being filed during bankruptcy proceedings. The effect of this seemingly legalistic change will be that some persons

harmed by companies that have entered bankruptcy proceedings (as makers of defective products often do) will lose any meaningful opportunity to bring valid claims.

Similarly, the Conference Report reduces the statute of repose to 15 years (and less if States to provide) and applies the statute to a wider range of goods, including handguns. This change, which bars a suit against a maker of an older product even if that product has just caused injury, also will preclude some valid suits.

In recent weeks, I have heard from many victims of defective products whose efforts to recover compensation would have been frustrated by this bill. I have heard from a woman who would not have received full compensatory damages under this bill for the death of a child because one wrongdoer could not pay his portion of the judgment. I have heard from women whose suits against makers of defective contraceptive devices—and the punitive damages awarded in those suits—forced the products off the market, in a way that this bill's cap on punitives would make much harder. I have heard from persons injured by products more than 15 years old, who under this bill could not bring suit at all.

Injured people cannot be left to suffer in this fashion; furthermore, the few companies that cause these injuries cannot be left, through lack of a deterrent, to engage in misconduct. I therefore must return the bill that has been presented to me. This bill would undermine the ability of courts to provide relief to victims of harmful products and thereby endanger the health and safety of the entire American public. There is nothing common sense about such reforms to product liability law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 2, 1996.

The SPEAKER pro tempore, Mr. HORN, by unanimous consent, ordered that the veto message, together with the accompanying bill, be printed (H. Doc. 104-207) and spread upon the pages of the Journal of the House.

On motion of Mr. HYDE, by unanimous consent, further consideration of the veto message was postponed until Thursday, May 9, 1996, and that upon further consideration of the veto message on that day, the previous question be considered as ordered on the question of passage of the bill, the objections of the President to the contrary notwithstanding, without intervening motion or debate except one hour of debate on the question of passage.

152.6 PERMISSION TO FILE REPORT

On motion of Mr. HYDE, by unanimous consent, the Committee on House Oversight was granted permission until midnight tonight, to file a report (Rept. No. 104-559) on the resolution (H. Res. 417) providing amounts for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia of the Committee on International Relations